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Department of L R [illegible]

OFFICE B[illegible] of Rev

STATION Madras

No. 3712

Dated 17 12 30

To whom sent

[illegible]

Pages in the file

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RP 23

B6380

Ref.A1-5500-30.

South Kanara Collector's Office,
Camp Kudlu, 28th November 1930.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Encroachment - Land - (Kanara South) - Mangalore Taluk - Kotekar village - S.Nos.13/1B1B & 13/1B1C - eviction - Review petition of Dr. L. T. Roberts - sanction sought.

****

I enclose the petition of Dr. L. T. Roberts praying for a reconsideration of my order D.Dis.No.12207-29, dated 9th May 1930 in the matter of the removal of the encroachments made by him.

2. The plots encroached upon by the petitioner are S.Nos.13/1B1B and 13/1B1C of Kotekar village measuring 22 and 4 cents respectively. The encroachments consist of a mud wall enclosure and casuarina, cocoanut and cashew plants aged 2 to 3 years the cost of which is estimated at Rs.25. S.No. 13/1B of which the encroachments form part is a dry assessed waste forming the margin of the coast road vested in the District Board who leased out the encroached plots to the petitioner. As the District Board has no control over Assessed Wastes though falling within the road margin, I requested the President, District Board to cancel the lease so that the encroachments might be dealt with by the Revenue Department and directed the Tahsildar to take action against the encroacher in my D.Dis.6643-28, dated 11th August 1928. The District Board having cancelled the lease with effect from 1st April 1928, the Tahsildar instituted Encroachment Proceedings for the removal of the encroachments and the

Revenue Divisional Officer passed the order of eviction. p39 ✓ under Section 6 of the Land Encroachment Act. The petitioner appealed to me against the order of eviction. As the plots are only 50 links from the centre of the road which is utilised for motor traffic and as the District Board objected to the assignment, I directed that the encroachments should be removed. Please see my Proceedings D.Dis.12207-29, dated 9th May 1930. p24 ✓ p25 ✓ p15 ✓

3. It is this order which the petitioner wants to be reconsidered. As the main ground urged by him was that there was sufficient road margin on both sides of the road proper and that the objection of the District Board must have been the result of a mistaken notion that there was no adequate road margin at the place, I requested the District Board President to make a personal inspection and see whether there is any objection to the assignment of the plots. p9 above I enclose the reply of the District Board President, Ref.C.No. 3642/D.B./30-7, dated 11th November 1930. p.15 above He has no objection to the assignment as his personal inspection revealed the fact that there is sufficient road margin between the encroachments and the road and that the wall of the encroachments is in a line with the wall of the adjoining landholder on the north. [vide also R.9's report at p14 ✓] I request, therefore, that the Board may be pleased to cancel the order of eviction passed in the case to enable me to accord sanction for the assignment of the plots.

4. As I already confirmed the order of eviction passed by the Revenue Divisional Officer, I doubt whether I can revise my order even on new grounds. Hence this reference.

5. I enclose the records noted in the margin.

1. Huzur file D.Dis.6643-28.
2. Huzur file D.Dis.12207-29.
3. Taluk E.C.40/38.

Your obedient servant,
A Krishnaswami 11/12/30
For Collector.

M.D'S.1/12.

1.12.30

Subject.

FOR MEMBER

READ AGAIN B. P. No. _____, dated _____

" " " _____, " _____ 193

READ ALSO :—

Register No. _____, From the 36380/30, — No. 2, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION (Mis.) :- No. 3712, dated 17.12.1930

In the circumstances reported, the Board cancels the sanction order passed by the Collr. and directs that the two plots be assigned to the petitioner

17-12-30.

Encroachment - Land (S. Kanara
Mangalore the Kotekar vill:
S. nos 13/1B1B & 13/1B1C -
Eviction - Dr. L-T. Robert
Review petn

P: 18/A3 (L-)

B.63 80/30. H.17.
7

To AS.

O/C. see the Coll's letter at which gives the facts of the case Pp 17 H8 of L. He has addressed the Board as he cannot review his own order in this case. The land encroached upon is an assessed waste. In the circumstances reported by the Coll, the eviction order passed by him may be cancelled and the two plots encroached upon may be ordered to be assessed to the petitioner. For orders

'c the Sketch at p 11 of. of (V) 12-1230 & the President's letter at p. 15 of.

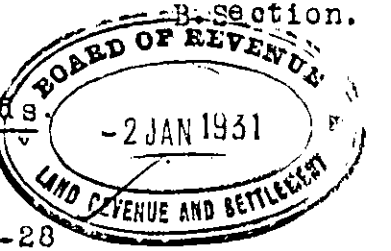
A-W/12.12.30.

W 11/12

Sch
10.12.30
11.12.30

B.P.No.3712 Mis.
dated 17-12-1930.

B. section.



List of records.

1. Huzur file D.Dis. 6643-28
2. Huzur file D.Dis. 12207-29 ✓
3. Taluk E.C. 40/38. ✓

Received the above records.

Collector. 24-12

24-12-30 24-12-30

To The Secretary to the Board,
L. R. & Sett., Mad

M.P. 18/12
65. 19.12